

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
L & L PAINTING CO., INC.,

08 Civ. 3559

Plaintiff,

- against -

AFFIDAVIT

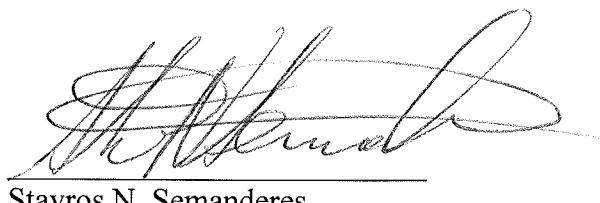
ODYSSEY CONTRACTING CORP.,

Defendant.

-----x
STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

Stavros N. Semanderes, being duly sworn, deposes and says:

1. I am the president of defendant Odyssey Contracting Corp. ("Odyssey Contracting"), and as such I have personal knowledge of the following facts.
2. I make this affidavit in opposition to the motion by plaintiff L & L Painting Co., Inc. ("L & L Painting") to remand this action.
3. On behalf of Odyssey Contracting, I executed the four subcontracts with L & L Painting for the work on the public improvement project with the City of New York, acting by the New York City Department of Transportation, to perform work on the Queensboro Bridge known as Queenboro Bridge Protective Coating together with all work incidental thereto, Boroughs of Queens and Manhattan, Contract No. 20040013406 (DOT Project BRC-231P), PIN # 81499MBBR589.
4. I did not understand or believe that Odyssey Contracting had waived any right to litigate in federal court any claim subject to the prime contract such as a claim by Odyssey Contracting against L & L Painting for payment for contract work, payment for extra work, payment for delay damages, or similar claims.



Stavros N. Semanderes

Sworn to before me this
3rd day of June, 2008


NOTARY PUBLIC

Michael McDermott
Notary Public, State of New York
No. 02MC5077381
Qualified in New York County //
Commission Expires May 5, 2011